

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 8:03-CR-77-T-30TBM

HATEM NAJI FARIZ
_____ /

**UNOPPOSED MOTION FOR EXTENSION OF TIME
IN WHICH TO FILE PRETRIAL MOTIONS REGARDING
THE CHARGES IN THE SUPERSEDING INDICTMENT**

Defendant, HATEM NAJI FARIZ, by and through undersigned counsel, and pursuant to Federal Rule of Criminal Procedure 45(b), respectfully requests that this Honorable Court grant an extension of five business days, or up to and including November 1, 2004, to file pretrial motions to dismiss the charges in the Superseding Indictment and for a bill of particulars. As grounds in support, Mr. Fariz states:

1. The grand jury returned a Superseding Indictment (Doc. 636) that, with respect to Mr. Fariz, amends the allegations in the original indictment and adds new counts of providing material support in violation of 18 U.S.C. § 2339B and money laundering in violation of 18 U.S.C. § 1956.

2. The current deadline to file motions to dismiss is October 25, 2004. Counsel for Mr. Fariz have been working diligently to research the issues raised by the Superseding Indictment and to draft effective, concise (and non-repetitious) motions by the current deadline.

3. Counsel, however, have additionally been preparing for the trial in this matter scheduled for January 2005. Specifically, some of Mr. Fariz's defense team have been out of the office since October 5, 2004, preparing for trial. Mr. Beck, the lead counsel in this case, will not return to the office until October 25, 2004, the current motion deadline. Accordingly, Mr. Beck will not be afforded much, if any, input on the motions regarding the Superseding Indictment by the current deadline. While the remaining defense team members have been working diligently in preparing the motions, counsel have had to continue working toward preparing for trial and attending to the numerous issues arising in this case.

4. Counsel would therefore respectfully request an extension of five business days, or up to and including November 1, 2004, to file said motions. Counsel believes that this five-day extension should not affect the trial date of January 2005.

5. This Court may grant an extension of time for "good cause" on a party's motion submitted before the deadline. Fed. R. Crim. P. 45(b)(1). Mr. Fariz respectfully submits that the foregoing sets forth good cause for the requested extension.

6. The undersigned contacted Terry Zitek, Assistant United States Attorney, who indicated that the government does not oppose this request.

WHEREFORE, Mr. Fariz respectfully requests an extension of time through November 1, 2004, to file motions to dismiss and for a bill of particulars with respect to the Superseding Indictment.

Respectfully submitted,

R. FLETCHER PEACOCK
FEDERAL PUBLIC DEFENDER

/s/ M. Allison Guagliardo
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of October, 2004, a true and correct copy of the foregoing has been furnished by CM/ECF, to Walter Furr, Assistant United States Attorney; Terry Zitek, Assistant United States Attorney; Cherie L. Krigsman, Trial Attorney, U.S. Department of Justice; William Moffitt and Linda Moreno, counsel for Sami Amin Al-Arian; Bruce Howie, counsel for Ghassan Ballut; and to Stephen N. Bernstein, counsel for Sameeh Hammoudeh.

/s/ M. Allison Guagliardo
M. Allison Guagliardo
Assistant Federal Public Defender